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COMMITTEE ON EDUCATION
January 23, 2006
LB 830, 1049, 1012, 865, 993

The Committee on Education met at 1:30 p.m. on Monday, January 23, 2006, in Room 1525 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB 830, LB 1049, LB 1012, LB 865, and LB 993. Senators present: Ron Raikes, Chairperson; Dennis Byars, Vice Chairperson; Patrick Bourne; Gwen Howard; Gail Kopplin; Vickie McDonald; Ed Schrock; and Elaine Stuhr. Senators absent: None.

SENATOR RAIKES: Good afternoon. Welcome to this hearing of the Education Committee of the Nebraska Legislature. We're pleased you could be here. Our agenda today calls for the hearings on five bills. They're posted outside the hearing room and we'll hear them in the order listed there. I'll introduce the committee for you. To my far right, Senator Pat Bourne from Omaha. Next to Senator Bourne is Gail Kopplin, Gretna, Nebraska; soon-will-be Senator Elaine Stuhr from Bradshaw. To my immediate right is our esteemed legal counsel, Tammy Barry. I'm Ron Raikes, represent District 25. To my left will soon be Senator Dennis Byars. I think Dennis is going to be here today, our committee's Vice Chair; Senator Vickie McDonald, St. Paul, Nebraska; Senator Gwen Howard, Omaha; Senator Ed Schrock, Elm Creek; and our committee clerk, Kris Valentin. The usual procedure, introduction followed by proponent testimony, opponent, neutral testimony, followed by a close if desired by the introducer. We do the light system here. Five minutes per testifier. As you come to testify, keep that in mind. Also, please sign in. There's a sheet there, a pad someplace. Throw it in the box once you've signed in and please spell your name for us for the transcriber. The only other thing I think I need to mention is cell phones. Please do what you need to do to make sure we don't hear those during the hearing. So, with that, let's move to LB 830 introduced by Senator Don Pederson. Welcome, Senator.

LB 830

SENATOR D. PEDERSON: Thank you. Senator Raikes and members of the Education Committee, my name is Don Pederson, P-e-d-e-r-s-o-n and I represent the 42nd District. The bill

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that I have before you today is LB 830. This is one of the two bills that I introduced this year. Some senators did more than that, but that's all I could work up to this year. But anyway, LB 830 is something that dawned on me this last year that we need to memorialize what we have been using by the way of LR 174. In 2003, I believe, we passed LR 174 and the purpose of LR 174 was to create a task force to monitor and keep track of the progress or lack thereof of higher education, public education, in the state of Nebraska. I think this has worked remarkably well. It was referred primarily to the Coordinating Commission for Higher Education and we have gained, not easily all the time, but full cooperation from the various institutions of higher education in this state that are publicly funded. There have been some real transformations that have taken place in higher education, I think, and I would attribute part of that to the fact that we've had a 174 task force. The 174 task force is made up of three members of the Appropriations Committee, three members of the Education Committee, and three members of the Legislature at-large. I was selected by the Executive Committee to serve as Chairman of that and I've continued in that function. Now, by virtue of LR 174, we receive a lot of information that we've never had before in this state concerning public education. That is, to be able to track the higher education, to see how the various institutions of this state are performing their tasks, and to work on the things that appear to be deficiencies in our education program, namely related to continuance of students to the graduate level and I think we've made real headway. David Powers did serve as the head of the Coordinating Commission and now we have Marshall Lux (sic). And they have both performed very well, and I got piles and piles of papers in my office that show the process of their work. But the primary purpose of this bill now is to change it from a legislative resolution to a legislative bill so that there will be continuity with the same general makeup of the committee that I have already detailed. And this will carry on, and I think it's very important that we have this continuity. It gives the Legislature the opportunity to have the Coordinating Commission refer the process of their information to us. And I think in the long run, it's going to serve our education community very well because we didn't know before. If a student was in one of the colleges, we didn't know whatever happened to them after that. Well, now we have a method by which we can track those students

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whether they went on into a different baccalaureate program or what happened to them or if they dropped out. But we just didn't know so we didn't know how to count numbers before. And now we're going to be able to track our students and the progress that they make and, hopefully, that we can increase the number of students that do have a baccalaureate degree and that they continue on because it's only with higher education of the people in our state that we're going to be able to progress, that we're going to meet the economic opportunities that are available to our graduates. We also need to have more in the way of economic development in the state so there are good jobs for them to have after they graduate. But that's part of another committee; some of you are on that committee called the Revenue Committee. But we need to fund some of the programs that will allow for more educational opportunities. But I think it's important that we memorialize and carry on because, as we all know, 20 of us will be leaving the Legislature at the end of this session. And I will be one of those and I think we need the continuity that has already been developed, and I feel that this is an opportunity to carry this on. I'd be glad to answer any questions you may have.

SENATOR RAIKES: Okay. Thank you, Senator Pederson. Questions? Senator Stuhr.

SENATOR STUHR: Yes, thank you, Senator Pederson for your leadership on the LR 174 task force. I was a member of that and I appreciated what we were able to accomplish. Do you think that this might be redundant? However, we do have several other commissions, groups. I know there's the pre-K through 16 group that looks at very similar issues. Sc, that's my question. Are you aware that there are some other task force out there?

SENATOR D. PEDERSON: Yes, I'm aware of that. I think that this fills a unique capacity in that this is a direct tie-in with the Legislature and the progress that's being made. And you can ask Marshall Lux (sic) what he thinks about that but I don't believe that it's redundant. I'm very concerned that the progress that we have made now through the task force, which I very much appreciate your serving upon, that I'm afraid that we might lose that if we just continue it as a resolution because the resolution is going to be gone, and

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so I think this is not redundant.

SENATOR STUHR: Thank you.

SENATOR RAIKES: Senator Schrock.

SENATOR SCHROCK: Do you think we should put a plaque up out in the hall with 20 names on it of the first term limits? No, I'm just kidding (laughter). I notice that the task force is exclusive with members of the Legislature. Would there be some benefit to having say, Doug Christensen, who's our education person? What is his title?

SENATOR RAIKES: Commissioner.

SENATOR SCHROCK: Commissioner of Education on there or what about a couple of superintendents? Would that be beneficial, somebody from higher education?

SENATOR D. PEDERSON: I think you start with this nucleus and I think that all of these people that you're referring to are consulted. They are all receiving a copy of this and the purpose of this bill as such is to retain some ownership by the Legislature in the process. And I think it's important, but I would like you to ask that question of Marshall Lux (sic). But I think it's like anything. This is nine people and you served and I very much appreciate your serving on that task force. But, you know, you can get too big a task force and there hasn't been too much to do since we went through the initial agony of coming up with our task force. And most of it now is in the process of reporting back on the parameters that we set for the task force early on. So, I think it isn't a discussionary thing. It's more, at this point, more a recordkeeping and record evaluating situation.

SENATOR SCHROCK: What about just making the Chair of the Education, Chair of the Appropriations Committee cochair of the tax force?

SENATOR D. PEDERSON: I don't care. I mean, if that's what you would prefer. I just want some continuity. As you well know, right now there is not that much for the other members to do, but I think it's worked okay. And if there are some issues that do come up, I don't think it's too bad to have

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the broad membership within the body. They won't have a day-to-day activity in connection with it because there just isn't that much to do, but I think it does give a sounding board for issues that start to appear. When we start to see, for example, progress generally not being made in certain areas, I think that's when the body that would be part of this task force would come together and say, shall we do something about that? So I think that you could just...but it's not a ceremonial position. I think it could be a working position if we see that we're not progressing as we hoped.

SENATOR RAIKES: Okay, any other questions? I see none. Thank you, Senator.

SENATOR D. PEDERSON: Thank you.

SENATOR RAIKES: First proponent.

MARSHALL HILL: (Exhibit 1) Senator Raikes, members of the committee, my name is Marshall Hill. I'm executive director of the Coordinating Commission, M-a-r-s-h-a-l-l H-i-l-l. And I'm pleased to convey the Coordinating Commission's enthusiastic support for LB 830. It might be helpful for you to know my particular perspective on this. I've been in Nebraska not quite a year, and so have had the opportunity to both do my homework on the past status of information that the Coordinating Commission provided to the Legislature and have been able to see the impact that the LR 174 task force has had on improving that data flow. My professional judgment is that you have a lot more focused, targeted information assembled in a much more convenient way than you had prior to the LR 174. We're able to provide that information to you in a consolidated way which supports the three goals that the LR 174 task force established. You have that information in front of you, I believe. And we believe it's important that the Legislature maintain a close tie with this. It enables us to convey the Legislature's focus and interest on higher education to the institutions who, of course, have their own interests to preserve and oftentimes can use a little helpful consideration from us to get the information that we think you have asked for. And the particular tie-in with both the Education Committee and the Appropriations Committee strikes me as strengthening our ability to provide you the important information. There is

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one caveat I think that you should be aware of. There is a significant data burden for this, a burden of collecting and analyzing data. The majority of that is at the Coordinating Commission, and we will continue to do that and do it well. It supports the efforts that we need to do as directly related to our mission. The majority of the effort is Coordinating Commission's responsibility to provide this information. The bulk of it comes from national sources, which we access. Due to some questions that members of the Legislature had the last time this was considered, you had interest in learning what happened to a student who started at institution A and then left before graduation. The only way for us to get that was to use a national source, the National Student Clearinghouse and to ask the universities help track their students through that. That did result in a good deal of effort for the institutions, frankly, more than we thought it would, more than they thought it would, more than the National Student Clearinghouse thought it would. We have taken steps to lessen that problem in the future by asking the National Student Clearinghouse folks to come here to Lincoln. They have been here. They met with representatives of each of the three sectors and are responding, I think, very helpfully to the data flow issues. So were we to do that exercise once again, my estimation is it would be significantly easier on the institutions. Lastly, we think that this information is timely, periodic. We would propose to provide it to you in readily legible ways. We hope you've had a chance to look at the material that we have sent you. If you haven't, we'll have extra copies, if you like. I'd be pleased to respond to any questions you might have.

SENATOR RAIKES: Thank you, Marshall. Questions? The LR 174 task force came up with the three goals, I think, that you mentioned. And the three items that move you forward in terms of your data collection.

MARSHALL HILL: Yes.

SENATOR RAIKES: The committee that would be created by this bill, as I understand it, would have a different task. It would not be coming up with competing or maybe dropping one of the three and adding another one. That, rather, it would be more in the role of what the Coordinating Commission is now doing, namely, putting together information and seeing

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how we're doing with regard to these. Is that the way you see this or not?

MARSHALL HILL: I see that the bill would call upon us to put together the information in ways quite similar to what we have done in the past, but that it would get the continued and ongoing attention of a specific body created by the Legislature in order to do that, and made up of senators. So, yes, if behind your question is could we not just produce the information ourselves? Yes, we could, and we probably would. But I think...

SENATOR RAIKES: And that's what you're doing now.

MARSHALL HILL: We are doing it, yes, but we're doing it in response to the LR 75 directions. If the commission were to go away, the task force were to go away and the bill not to be passed, we would probably continue to do something similar in the future. We're trying to collapse other data reports into this and not be redundant, for example. But I think the key point that Senator Pederson made that I would like to reinforce is it's the ongoing attention and focus of members of the Legislature, made up of members of the Education Committee and the Appropriation Committee, that I think gives this proposal its power.

SENATOR RAIKES: Although, again, my understanding is that they wouldn't mostly be receivers of the information you're providing. They wouldn't necessarily be decision makers on this is the kind of information you should gather.

MARSHALL HILL: My understanding would be that over time they would determine whether or not this was the information they continued to want to have or whether there were additional changes...

SENATOR RAIKES: So absent this group deciding that, those questions, the Coordinating Commission would decide those questions.

MARSHALL HILL: Yes.

SENATOR RAIKES: And which is better?

MARSHALL HILL: I would presume that there would be a lot of

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give-and-take back and forth with the Coordinating Commission making recommendations to an LR 75 task force about what they should do. I think both could come up with what are the data elements to look at and do so reasonably well. What the Coordinating Commission lacks in certain ways is the imprimatur, the direct power of the Legislature to pay attention to some of these issues as they affect institutional performance and funding.

SENATOR RAIKES: Okay. I don't see any other questions. Thanks for your testimony.

MARSHALL HILL: Thank you.

SENATOR RAIKES: Other proponents? How many proponents do we have for LB 830? Two more, okay.

DENNIS BAACK: Senator Raikes and members of the Education Committee, my name is Dennis Baack, B-a-a-c-k. I'm the executive director of the Nebraska Community College Association here to testify in support of LB 830. I think that Senator Pederson mentioned the importance of the information and how much information we've gathered and are participating in the National Student Clearinghouse. That all came about because of the LR 174 study and, quite frankly, a few of my institutions were participating at some level with the National Student Clearinghouse, but not all of them were at the time that we started doing this. They all fully participate now. We have found in our organization of community colleges that we're getting some very valuable information out of them, and it's a very useful information. And I know that Marshall did mention that that's been a data gathering, a little bit of a headache for the Coordinating Commission. It certainly has been that on my local campuses too. They've had to put in an awful lot of hours in putting all of this data together. I think it's going to be easier in the future. The first go-round was a little bit more difficult. As Marshall said, the National Student Clearinghouse people came to Lincoln this last fall and visited with all of our community college people and said, what are some of the problems you came up with? Let's try to resolve those problems if we have them, so they've been very, very good to work with. The people on my campuses said that the National Student Clearinghouse and the Coordinating Commission have been very cooperative in

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trying to make sure that we get the right data there. So, I think that we're coming up with some good data and some good tracking data that's going to help us as we look at new programs, as we see how successful we're being or how unsuccessful, whatever we might find, and try to make changes to make sure that we are successful in the three goals that you have established for this committee. So we see this as something that should continue on. I think it's going to get easier for us to comply with because the data is going to be a little bit easier to gather as our people get more comfortable with it. With that, I'd be happy to answer questions.

SENATOR RAIKES: Okay, thank you, Dennis. Can you give an example of some useful results you got from your participation?

DENNIS BAACK: Well, one of the things...yeah, and one of the things that we have always struggled with in the community college system is students who come into the college that don't necessarily have an intention of getting a degree from us. They may only want two or three courses from us and they get those two or three courses and then they go on. Now, is that a failure of our colleges because they didn't get a degree? Our argument was no, it was not a failure because they didn't get a degree from us because they didn't intend to. But now we're able to track them and see if they go to someplace else and then maybe get a bachelor's degree, or a degree even from another community college in another state. We're able to track them so we have a better idea of what happens to the people that leave us and where they go after that. And I think it's going to give us better data on what happens to the people who leave the college.

SENATOR RAIKES: Okay. Don't see any other questions. Thanks.

DENNIS BAACK: Um-hum.

STAN CARPENTER: Senator Raikes, members of the committee, my name is Stan Carpenter. I'm the chancellor of the Nebraska State College System, and I'm here to testify in favor of LB 830. As Senator Pederson indicated before, we think that this is a good way for us to get some information

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as well. And as former senator Baack said, it was a bit of a burden on our institution to put this together to begin with. But overall, we were pleased to cooperate with the Coordinating Commission and provide the information that they asked for. And I'm pleased that this bill would maintain a permanent interest, hopefully, in the Legislature in higher education in what we do and give us a chance to come forward occasionally and say, gee, we do some pretty good things here for Nebraska. It gives us a chance to brag a little bit. Out of the LR 174 task force, as many of you know, we took that to heart and we are in the process of trying to cooperate more with our community college brethren and sistren (phonetic). And, in fact, as some of you know, we are proposing a joint project with Northeast Community College in South Sioux City to bring educational services there both from the community college there and Northeast and from Wayne State College. So we think this is a good idea. We think it should be memorialized and is the way to maintain and provide the Legislature with information that we think would be very important as the Appropriations Committee and the Education Committee make decisions about higher education. And with that, I'd be happy to answer any questions that you might have.

SENATOR RAIKES: Thank you. Questions? Thank you, Stan.

STAN CARPENTER: Thank you, Senator.

DONAL BURNS: (Exhibit 2) Senator Raikes, good afternoon, members of the committee. My name is Donal Burns. I'll spell both names since they're different, D-o-n-a-l, Burns, B-u-r-n-s. And I'm associate executive, vice president and provost at the University of Nebraska. And I'm pleased to say that I'm here today to support LB 830 on behalf of the university. The original resolution, LR 174, put improvements in higher education on the state policy agenda. We need to continue that focus in higher education through the passage of LB 830. Many of the suggested improvements and enhancements such as increasing the college going rate and graduation rates of Nebraskans are being incorporated into the strategic framework of the university that President Milliken is working on and developing in conjunction with the Board of Regents. Section 3 of the bill requires the Coordinating Commission to collect data from all sectors of higher education to monitor our progress

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toward the goals that are established in LB 830. It is our hope that as far as possible, we may use existing data and the associated definitions of that date. For example, if you use IPEDS, which is a standard process for collecting data nationally, it would allow us to compare ourselves with peer institutions and we think that's important also for the state. And thank you very much for your attention.

SENATOR RAIKES: Thank you. Questions? See none; thanks for being here. Any other proponents? Opponents, LB 830? Neutral testimony, LB 830? Senator Pederson to close.

SENATOR D. PEDERSON: Thank you. I'd like to briefly close, first by apologizing to Marshall Hill for calling him Marshall Lux because he's not the ombudsman (laughter). He's the coordinating, for higher education. Secondly, there's been reference made to the program to consolidate this information that they have been collecting. And let me just describe that before we got to this clearinghouse that they made reference to, there were about three different methods that the various schools had of reporting information. And we were not comparing apples to apples. And so it was very difficult, and I do wish to compliment the various institutions for going through the agony of all consolidating into one system where we have one place where we can coordinate this information. But the Coordinating Commission could not get comparable information by using different series of reporting data because they just didn't coordinate. So, I'm very pleased at that. And, generally speaking, I think that the question was asked about the Legislature involvement, and maybe we could do this differently, but I think that if you ask Marshall Hill he would confirm to you that there is a great deal of benefit to the Coordinating Commission to get some of the information by having the force of the Legislature to require that that information be obtained, not that they need to hammer. But it's just that you need a body that says, yes, you will provide this information because the Coordinating Commission doesn't necessarily have that authority, but the Legislature certainly does and we invoked that this time to gain the cooperation of all of the institutions. Sometimes we had to be quite firm that this...yes, it's very difficult and it will cost you a little bit of money, but you need to do it. And it's all worked very well and, once again, I would commend to you

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LB 830, 1049

LB 830. Thank you.

SENATOR RAIKES: Thank you, Senator Pederson. Questions? You raise the issue of you need legislation or the Legislature's influence to compel institutions to provide data. But the Coordinating Commission is a constitutional agency, isn't it?

SENATOR D. PEDERSON: Yes, it is. It is. But just my experience in the position of being Chair of this task force has clearly shown to me the advantage that there is to the Coordinating Commission and having the Legislature show an interest in the obtaining of certain information that they will need because in the long run it's certainly going to be up to the Legislature to evaluate the information for ongoing purposes that we have such as economic development, retention of the various schools within the system, see how they're progressing, see why they're not progressing, and it gives a form of evaluation of the information which I think is pretty essential.

SENATOR RAIKES: Okay. Thanks very much, Senator.

SENATOR D. PEDERSON: Thank you very much.

SENATOR RAIKES: That will close the hearing on LB 830, and we'll move to LB 1049 and Senator Wehrbein, who I think has just arrived. Senator, welcome.

LB 1049

SENATOR WEHRBEIN: Hello, Senator Raikes. Let me just write my name on here and the number. Senator Raikes and members of the Education Committee, my name is Roger Wehrbein representing District 2, here to introduce LB 1049. As you can see, the intent of LB 1049 would allow the Nebraska Education Telecommunications Commission to enter into a contractual arrangement to utilize their production and distribution facilities for possible commercial television services. The intent of this is to clarify language that they may use production facilities for a specified or limited area. There's an AG opinion that if you don't have, you will get, that says that it's okay to do it statutorily now, but we felt that this needed to be clarification. That

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LB 1049

is the reason for this bill: to clarify that what is being proposed will be statutorily correct and those behind me can give you the technical details of it.

SENATOR RAIKES: Okay.

SENATOR WEHRBEIN: And I also...there will be an amendment that will be coming that I would support that clarifies a little further what the intent of the bill would be.

SENATOR RAIKES: Okay, Senator Bourne.

SENATOR WEHRBEIN: And I have it but I wasn't going to pass it out. I think somebody behind me will pass it out.

SENATOR RAIKES: All right. Senator Bourne has a question for you.

SENATOR BOURNE: Senator, is there somebody from NETV that will be here to...?

SENATOR WEHRBEIN: Yes, there's, in fact, I think there's two. One will testify and another will be for questions is my understanding.

SENATOR RAIKES: Okay. Any other questions for Senator Wehrbein? Thank you, Senator. Proponents, LB 1049?

MICHAEL WINKLE: (Exhibit 3) Senator Raikes and members of the Education Committee, my name is Michael Winkle, W-i-n-k-l-e. I am the assistant general manager for development at Nebraska Educational Telecommunications. I am here to testify in support and also to provide the language of the amendment that Senator Wehrbein just mentioned. For over 20 years, it's been the practice of NETV to make its production and distribution facilities available to educational nonprofit and commercial sources on a contractual work for hire basis when (a) it serves the direct interest of the state, (b) it does not compete directly with Nebraska commercial interests, and (c) does not impede or disrupt the noncommercial public broadcasting mission of NETV. As an example, we have provided studios, cameras, control rooms, staff, and satellite uplinking facilities to many of our elected officials and postsecondary faculty for such commercial entities as CNN,

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Fox News, ESPN, and others on a contractual basis. On other occasions, commercial networks have contracted for remote production and distribution services for sporting events. This is largely because no other Nebraska broadcaster or commercial concern has satellite retransmission or network quality live remote production facilities. NET has always been very sensitive not to compete with our commercial counterparts. We have consistently refused to respond to any request for open bid situations on video production, and this includes state agency business. We only enter into contracts with entities from outside the state of Nebraska or when services are otherwise unavailable to the contractor. We consistently refer business inquiries to the commercial sector, and enjoy many partnerships with our both commercial broadcasting and cable partners throughout the state. The language proposed in LB 1049 is intended to clarify existing language in the NET Act. It recognizes that production and distribution represents a continuum of transmission facilities. It also recognizes that some contracts may or may not involve a formal lease. The language that we bring before you to amend the bill that has been introduced was developed in consultation with the Nebraska broadcasters and the Nebraska cable interests. And that language would be on page 2, line 17, after the period to insert "All telecommunications facilities operated or supervised by NETC shall not produce or be involved in the production of commercials, and shall not be involved in the distribution or retransmission of national commercial and subscription television channels." This was to specifically address competitive concerns from the broadcasters and cable companies. And I'm open to any questions you might have.

SENATOR RAIKES: Okay, thank you. Questions? Senator Bourne.

SENATOR BOURNE: Thank you, Mr. Winkle. Assuming the amendment is adopted, as you discussed, what specifically would NET be allowed to do, as it relates...what would you contract for or sublease out for?

MICHAEL WINKLE: It would really be...continue our existing practice. Really, it is the type of telecommunications that often involves live production. It can range anywhere from someone coming in and doing an interview, a live interview, that gets uplinked to a commercial satellite and goes back

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LB 1049

to the vendors, control rooms in New York, and we've dealt with dozens and dozens of different commercial networks who are...

SENATOR BOURNE: This language that you're striking in 10 through 13 or 10 through 12, "all lease arrangements authorized by this section shall be made for the purpose of paying a portion of the costs associated with satellite capacity replacement and digital conversion." When I read that you were deleting that and I'm curious as to why. And then when you talked about the three elements that you used to consider whether or not to sublease and how they fit in with this and with its striking.

MICHAEL WINKLE: The recommendation at both the Attorney General and in discussions with NET Commission, it's recognizing that the current statutes have not been inclusive to all the different types of contractual activities that were going on. The line that is being struck had been developed specifically for when there was authorization given to lease a portion of Nebraska's satellite transponder to another commercial vendor. It did not recognize the type of activities that went along with the routine production of the elements that I just described to you.

SENATOR BOURNE: What kind of revenue does NET generate from the subleases today?

MICHAEL WINKLE: It can vary greatly, as you can tell, because we do not actually actively market this. It's on a call-in and a consultative basis. At sometimes it's been as low as \$75,000 collectively over a year and, at other times, at peak times, it's been such as when the Iraq war happened and experts from UNO and other government officials were tapped into, that year was probably double that. It's really on the type of activity that happens to come our way. Last year, during the ice storm, an ESPN truck on the way to come down and cover a Nebraska basketball game blew off the road and so at the last moment, they contacted us and we contracted and went in and provided those services. And a production like that could be far more expensive by the time you add in the overtime and the facilities.

SENATOR RAIKES: Okay, any other questions? Thank you.

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MICHAEL WINKLE: Thank you.

SENATOR RAIKES: Other proponents, LB 1049? Any opponents, LB 1049? Neutral testimony, LB 1049? Senator Wehrbein waives closing, so that will close the hearing on LB 1049. And we will move to LB 1012.

LB 1012

SENATOR BYARS: LB 1012, Senator Raikes.

SENATOR RAIKES: Senator Byars, members of the Education Committee, Ron Raikes, District 25, here to introduce LB 1012. LB 1012 is a change in statute that would hopefully provide the Coordinating Commission some more flexibility in making their recommendations regarding budget proposals by postsecondary education to the Legislature and the governor. We're actually getting into the appropriations process here a little bit, but the bill is referenced to Education. What this would allow is for the Coordinating Commission to make its recommendations as to the budget requests by the various postsecondary institutions in a package, or as a single proposal, rather than as separate individual proposals, although that would provide them flexibility. I think that's maybe as much as I should say, Senator.

SENATOR BYARS: Senator Raikes, thank you very much. Any questions of the committee of Senator Raikes? If not, thank you, Senator.

SENATOR SCHROCK: Wait a minute.

SENATOR BYARS: Senator Schrock.

SENATOR SCHROCK: This has nothing to do with the deficit budget request that the university has put in, does it for this year?

SENATOR RAIKES: No, I don't think so.

SENATOR SCHROCK: This is just...

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SENATOR RAIKES: This is procedural.

SENATOR SCHROCK: Just procedural from the Coordinating Commission's perspective.

SENATOR RAIKES: Yes.

SENATOR SCHROCK: Okay, all right.

SENATOR BYARS: Any other questions for Senator Raikes? Thank you, Senator Raikes. Proponents of LB 1012?

MARSHALL HILL: (Exhibit 4) Marshall Hill, executive director of the Coordinating Commission, M-a-r-s-h-a-l-l H-i-l-l. To respond to your question, Senator, yes, indeed, this is entirely procedural. The past legislation has resulted in a process in which the Coordinating Commission has been yielding its recommendations on every single line item if it's presented in that way by an institution. So we have been in the strange position of recommending whether or not one of the state colleges should hire a custodian. We believe that level of detail is not appropriate for us, but rather, we should sort of collapse some of those things to personnel issues and so forth. This would just provide the opportunity to not have to go through a longly iterative process to do that. I'll respond to any questions you might have.

SENATOR BYARS: Thank you, Dr. Hill. Any questions? Senator Stuhr.

SENATOR STUHR: Dr. Hill, do you have the bill before you?

MARSHALL HILL: Yes, ma'am, I do.

SENATOR STUHR: On page 3, let's see, let's look on line 23 and 24. As I read that, it seems incomplete and see if you agree with me. "The budget request together with a rationale for," and then we have all that language struck.

MARSHALL HILL: I think it goes, continues on in line 25, "a rationale for its recommendations."

SENATOR STUHR: All right, "for its recommendations."

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MARSHALL HILL: Yes, ma'am.

SENATOR STUHR: Okay, yes. All right, period then after "recommendations." Okay.

MARSHALL HILL: Yes.

SENATOR STUHR: Thank you very much.

SENATOR BYARS: Thank you, Senator Stuhr. Any other questions of Dr. Hill? Thank you, Doctor.

MARSHALL HILL: Thank you.

SENATOR BYARS: Any other proponents of LB 1012? Proponents of LB 1012? Anyone testifying in opposition to LB 1012? Anyone testifying neutral?

TIP O'NEILL: (Exhibit 5) Senator Byars, members of the Education Committee, my name is Tip O'Neill. I represent the private colleges and universities of Nebraska. It came to my attention rather late in this process that the date, the sunset provision relating to the Nebraska scholarship program relating to the maximum grant, was scheduled to expire on July 1. My financial aid officers would like that sunset provision delayed two more years. And so I am bringing an amendment to this bill to do that. This bill is the closest bill that I can find because it does relate to a program that is being administered by the Coordinating Commission. The purpose for that, as you recall, when we sunsetted it or extended, increased the maximum grant two years ago was to ensure that institutions didn't have to return money to the state. They could reallocate the money for their recipients of the Nebraska grant program to other qualifying students. It doesn't change the allocation of the money. The money remains the same. It goes out to the institutions. But if you have a drop-out or something like that, then you can reallocate the money to other eligible students, assuming that the amount of money that you receive is less than 50 percent of the tuition at the University of Nebraska-Lincoln plus mandatory fees for all the students. And I think it's safe to say that while the appropriations for this program have increased, we are still a long way from having a grant of \$2,500 or so per student for all the eligible students. So I would ask that you consider the

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amendment that I provided you and extend that sunset provision for another two years. I'd be happy to answer any questions.

SENATOR BYARS: Thank you, Mr. O'Neill. Any questions? No questions? Thank you.

TIP O'NEILL: Thank you.

SENATOR BYARS: Anyone else testifying neutral? If not, that will close the hearing on LB 1012. You care to close, Senator Raikes?

SENATOR RAIKES: I don't.

SENATOR BYARS: Senator Raikes will waive closing.

SENATOR RAIKES: Okay, we'll move to LB 865 and Senator Howard.

LB 865

SENATOR HOWARD: (Exhibits 6, 7, 8) Wow, we're moving right along (laugh). Thank you, Senator Raikes and members of the Education Committee. My name is Senator Gwen Howard and I represent District 9. I'm here today to introduce LB 865 which would create a new teaching endorsement for early childhood teachers. This would allow teachers working with children from birth through prekindergarten to obtain a specific stand-alone endorsement on their teaching certificate. I'm also offering Amendment 1844 to the committee, which makes some changes and clarifications to the original bill. The amendment strikes out the requirement that state-funded colleges and universities offer the unified early childhood endorsement. This should eliminate the \$328,600...that's good news, in the physical (sic) note for 2006-2007. The amendment also clarifies that in order to obtain this endorsement, a student must complete the required coursework in early childhood education and complete student teaching under a certified early childhood education teacher. We, as a Legislature, have recognized the importance of early childhood education that this has on the future of our state. I am including a handout...let me provide that, a

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handout from the Pre-K Now organization, which is funded by the Pugh Charitable Trust, that defines high quality teaching. As you will see in the highlighted section, teachers in high quality pre-K programs hold bachelor's degrees and have received specialized training in early childhood education. This bill would allow teachers in Nebraska to get a bachelor's degree specializing in early childhood education. We can make no better investment than by investing in early childhood education. I believe we need to move forward in how we treat those who teach our children during these early years. The Nebraska Department of Education's early childhood policy study listed as a priority for quality/best practices in Nebraska, that Nebraska require a highly qualified staff with current knowledge to implement early childhood programs for children from infancy through the third grade. The same report stated, teachers with early childhood endorsements are not uniformly available throughout the state and professionals who work with young children are undervalued by society. So what does my bill do? It would require the Nebraska Department of Education to establish a separate and stand-alone teaching endorsement for teachers in the area of early childhood education. The early childhood endorsement would apply to those teaching birth through prekindergarten. The elementary endorsement would continue to apply to the teaching of kindergarten through the sixth grade. Under the bill, the early childhood endorsement would no longer be an add-on endorsement to the elementary or special education endorsement. A teacher with the early childhood endorsement would be specifically trained in developmental appropriateness and be certified to teach children birth through pre-K/preschool. A teacher receiving the early childhood endorsement would still have to complete all the required early childhood courses, core education courses, and student teach under a certified early childhood teacher in a prekindergarten setting. The early childhood teacher would not be certified to teach in K-6 classrooms. What my bill does not do is to require every childcare provider in this state to get this certification. It provides the opportunity to get this certification. This would allow teaching students to be trained specifically in early childhood methods and practices. Research has shown that the greatest determinant in the quality of early care and education is the education level of a teacher or the provider. It will tie in with the quality rating system

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that is a pilot project that rates the quality of early childhood programs. One component of the rating system would be whether a program uses certified teachers. This bill streamlines the process for getting certified teachers in early childhood classrooms as the number of school-run programs increase. Several states have moved to similar endorsements, including New Jersey, Maine, Connecticut, and North Dakota. Nebraska has a unique opportunity to be a leader in early childhood education. Under the stewardship of Senator Raikes, we've been making tremendous progress in the area of education. By recognizing the professionalism and quality, specific qualifications of early childhood teachers, we provide our children with highly qualified people specifically trained to teach them. The trend throughout the United States of the past few years has been to provide universal preschool for four-year-olds. Florida voters overwhelmingly passed a constitutional amendment requiring universal preschool for every Florida four-year-old. Oklahoma and Georgia also have universal preschool for four-year-olds. As we move in that direction, doesn't it just make good sense to have the progress in place to train the additional early childhood teachers that we are going to need? I appreciate the discussions that I've had with the Office of Early Childhood in the state Department of Education, as well as teacher education, administrators, and our teacher colleges regarding this bill. I want to especially thank Joe Higgins who is a member of the State Board of Education for his leadership on early childhood issues and his willingness to work with me on this legislation. I believe LB 865 is a good first step and I ask for the committee's favorable consideration. Thank you.

SENATOR RAIKES: Thank you, Senator. Questions? Senator Kopplin.

SENATOR KOPPLIN: Senator Howard, the present endorsement that an elementary teacher can get would not disappear under this?

SENATOR HOWARD: Absolutely not.

SENATOR KOPPLIN: Okay.

SENATOR HOWARD: This is a focus program for preschool.

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SENATOR KOPPLIN: And the requirement that they do their student teaching under an endorsed preschool teacher, would that include the elementary with the endorsement?

SENATOR HOWARD: Could you ask me that question again?

SENATOR KOPPLIN: I believe it's stated that your student teaching under this program has to be under the guide of an endorsed preschool teacher.

SENATOR HOWARD: Correct.

SENATOR KOPPLIN: Does that include those elementary teachers with an endorsement? Can they student teach under those?

SENATOR HOWARD: You know, I'd have to get back to you with the answer to that.

SENATOR KOPPLIN: Okay.

SENATOR RAIKES: Senator Howard, you mentioned the fiscal note goes away if what happens?

SENATOR HOWARD: The fiscal note goes away with the amendment that we put in which is 1844. This strikes out the requirement that state-funded colleges and universities offer the unified early childhood endorsement, so it won't be a required program.

SENATOR RAIKES: But if somebody actually does, it's going to cost money?

SENATOR HOWARD: No doubt. We'll have to have a...yes.

SENATOR RAIKES: Okay. All right. Thank you.

SENATOR BOURNE: I just have a quick question.

SENATOR RAIKES: Excuse me, Senator Bourne's got a question.

SENATOR HOWARD: (laughter) Sorry (laugh).

SENATOR BOURNE: No, this doesn't put an obligation on

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anybody to get the certification. It just says that they'll make it available.

SENATOR HOWARD: That's exactly right. And with the focus between more and more on the early education, we wanted to be able to provide this.

SENATOR BOURNE: I mean, it does seem like the next step would be to make it mandatory sometime down the road. So then...

SENATOR HOWARD: You know, I can't predict that but I could see where that could be a logical deduction.

SENATOR BOURNE: So, my question is, and I truly don't know, does this apply only to those teaching prekindergarten in the public schools or would this then be extended to everybody?

SENATOR HOWARD: Well, we would look at...and I mentioned in here the program that's going in, in terms of degrees or steps in quality preschool. So I would anticipate that in the future, that would be available on all levels, not only the educational, the school setting but...

SENATOR BOURNE: I guess what I'm saying is if...and it seems to me it would be a logical extension sometime down the road that it will be a mandatory certification. So then the question becomes, do you anticipate it being a mandatory certification on people other than those teaching pre-K in the public schools?

SENATOR HOWARD: You're referring to day-care settings?

SENATOR BOURNE: Exactly.

SENATOR HOWARD: The object would be to have this available. If that day-care center chose to have that requirement or that quality.

SENATOR BOURNE: But, again, what I'm saying is eventually the...I mean, where this is headed it would be a mandatory certification. And what I'm asking is, then is it...would this apply to...or today it's going to be available for anyone who teaches whether it be in public schools or in the

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private day care. Is that...?

SENATOR HOWARD: That would be true. That would be true.

SENATOR BOURNE: Okay. Are there certifications now available to day-care providers?

SENATOR HOWARD: The certification now includes kindergarten through third grade.

SENATOR BOURNE: Okay.

SENATOR HOWARD: So that would be available but what we want to do is make it more specific to the early years.

SENATOR RAIKES: Senator Stuhr.

SENATOR STUHR: Yes, I'm reading that the current early childhood education endorsement qualifies teachers to teach children from birth through third grade.

SENATOR HOWARD: That's correct.

SENATOR STUHR: So now, explain to me what you are actually asking then because it appears to be quite the same thing.

SENATOR HOWARD: Well, actually, that's a very good question and when we started to look at that, I considered the same information. However, what's required now, in addition to the early years, the early prekindergarten years, if you want to focus on that area, you also have to take these additional classes to qualify you to teach kindergarten through third grade. And we're trying to narrow that down to the preschool program so that if you choose to just work and teach in a day-care setting, you're not interested in going into kindergarten, first, second, third grade, but should have the opportunity to really have that certification, that focus. If you chose to go on later and get those additional accreditations, those additional classroom credits, you could certainly do that but there are people right now and people that have come to me and they say, we really want to focus on the early years, on the preschool years because we see that as where this potential is to really make a difference in school learning. So what we'd like to do is make that a focus and make that easier

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for people to actually have that certification.

SENATOR STUHR: Okay, thank you.

SENATOR RAIKES: Okay, thank you, Senator.

SENATOR HOWARD: Thank you.

SENATOR RAIKES: Proponents, LB 865?

JOE HIGGINS: Senator Raikes and Senator Byars, my name is Joe Higgins, H-i-g-g-i-n-s, a member of the State Board of Education, District 8 in Omaha. On behalf of the state board, I'm here to support Senator Howard's efforts. We applaud her for advancing the concept of a stand-alone early childhood endorsement. The state board is supportive to see that the need for professional educators who desire to work only in the prekindergarten arena have an endorsement that meets their needs. Currently, as Senator Howard has said, if you wanted to work in prekindergarten, you have to take classes in primary education through grade three. You have to student teach in primary classes. It would make about the same amount of sense to have elementary teachers required to take secondary coursework and to student teach in the secondary classroom. Currently, the State Board of Education sets policy related to all endorsements annually and establishes those regulations for certification through Rule 24. The Nebraska Council of Teacher Education serves as an advisory council to look over the recommendations for endorsements and bring those endorsements to the State Board of Education. Of course, we would recommend that that process continue, that the details of the prekindergarten endorsement come through the Nebraska Council of Teacher Education to the Department of Education. The need for birth through kindergarten endorsement is important, and it is of growing importance in our society. We think the process of how this endorsement should be reached can be worked out with all the groups involved, and I would be happy to answer any questions from the committee.

SENATOR RAIKES: Okay, thank you, Joe. Senator Kopplin.

SENATOR KOPPLIN: On the endorsement, do you see then persons who get the elementary preschool endorsement right now would have to student teach twice?

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JOE HIGGINS: No. They would have an early childhood endorsement as they do now. They're not required to student teach in prekindergarten if they're going into primary. There is no student teaching requirement for prekindergarten endorsement. The early childhood includes birth through age eight. They take classes in prekindergarten; they take classes in primary, K-3, but their student teaching is in primary classes in the public schools or in the schools. If they wanted the current endorsement, birth through eight, that would still be available. They would student teach in probably grade two or three. They would be endorsed to teach from birth through age eight. But if they wanted this new endorsement, their classwork would be directed exclusively towards prekindergarten educational development and their practice teaching would be in a prekindergarten environment.

SENATOR KOPPLIN: What I was leading to is, if the two endorsements are out there and I have the birth to grade eight, I could still teach in a preschool with that endorsement. But if I chose to get only the preschool endorsement, I'd still have to do as many classes in all, but I could never go beyond kindergarten or age four.

JOE HIGGINS: And your education would be focused on curriculum in the university that dealt with educational development of children prior to the age of five.

SENATOR KOPPLIN: Do you see that as, and I don't disagree with the endorsement. But do you see that as gearing to a replacement for the (inaudible) endorsement?

JOE HIGGINS: I don't think it will. But I think it will. I think it will just give people...there is a growing number of people who say, I just want to teach in prekindergarten environment and I think the requirement that I take courses outside of that environment are unnecessary for my endorsement. There are others who want the early childhood but who never teach in prekindergarten classes. Their entire career would be second grade or third grade, but they do have that early childhood endorsement which would allow them to teach in the prekindergarten environment.

SENATOR KOPPLIN: Okay, thank you.

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SENATOR RAIKES: Senator Stuhr.

SENATOR STUHR: So, you are still talking about student teaching or you used the term practice teaching.

JOE HIGGINS: Because I'm not quite clear on how that practice or student teaching will work. I think the law says, under the guidance of an endorsed or certificated early childhood prekindergarten instructor. So, it would mean that in a current...there is a growing number of prekindergarten courses in the public schools supported by the public schools offered by the public schools. A lot of those people have the early childhood endorsement and that's where that student teaching would take in the age four education group, the age three education group. There is a growing number of classes in our schools.

SENATOR STUHR: Thank you.

SENATOR RAIKES: It's not clear to me why someone would choose to take a pre-K endorsement rather than a birth through third grade. If you're endorsed to teach pre-K, why wouldn't you keep your options open?

JOE HIGGINS: Right. But I think...because I think in their own professional development in their own professional minds, they're saying, I am an instructor. I want to be an instructor of four-year-olds, three-year-olds. That's where I want to spend my professional career.

SENATOR RAIKES: But apparently there's a belief that someone in that situation needs to know about instruction both in pre-K and in elementary. I mean, that's the way we do it now. If you've got that endorsement you do pre-K classes, you do...wouldn't it make more sense to have somebody to take your student teaching in pre-K if that's what you want to do but still have a birth through third grade endorsement?

JOE HIGGINS: I'm suggesting, or I think the law is suggesting, and Senator Howard can certainly answer this in her closing, but I'm suggesting that the movement for this endorsement come from people who say, I want my coursework to be in the area where I'm going to be teaching.

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SENATOR RAIKES: Okay, quick question for you on certification requirements. Now, I think you're required to be a certified teacher if you teach in a pre-K program that is part of the grant program, although I'm guessing there would be a number of other pre-K programs around the state that would not require certification.

JOE HIGGINS: And I think that would become a marketing instrument where private preschool, prekindergarten course institutions would use that that they utilize people with a license issued by the state of Nebraska in prekindergarten education where other institutions might not because they would not be required to hire only certificated employees.

SENATOR RAIKES: Okay. All right, thank you.

JOE HIGGINS: And there is a staff person from the Department of Ed on early childhood who I know can answer some of these questions that this secondary teacher cannot answer that well. Thank you.

SENATOR RAIKES: Thank you, Joe. Next proponent LB 865? Welcome.

MARCIA CORR: Thank you, my name is Marcia Corr. Good afternoon, Senator Raikes and members of the committee. I am from the Office of Early Childhood at the Department of Education, and I'm here on behalf of the department and the State Board of Education in support of LB 865. And as state board member Joe Higgins said, we are here to support the concept of LB 865, really to support taking a good look at what the needs are in the early childhood field. We do have two early childhood endorsements: one, that is called the early childhood education endorsement and one that is called the early childhood education unified endorsement. Those two endorsements are in addition to two early childhood special education endorsements. What would be different about the proposed endorsement is that that would go only to kindergarten or prekindergarten. The current endorsements both go through grade three. The unified endorsement is a newer endorsement than the original early childhood education endorsement. We have 11 institutions in Nebraska that offer the early childhood education endorsement. We have four institutions that offer the early childhood

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education unified endorsement. All of these institutions could, if they chose, offer this early childhood endorsement that Senator Howard has proposed if they chose and if it were implemented into Rule 24. In the development of that most recently unified endorsement, we had a lot of discussion about whether to go with the birth to grade three or to go to birth to age five or keep it to prekindergarten. The decision at that time really was to go birth to grade three to represent that entire continuum of early childhood, birth to age eight. It was really looking at the development across that continuum, representing the understanding that development, where children come from, where they are going, representing those transitions prior to the entry to school, and where they are once they enter school. So, whether they're working with them before they enter school or after they enter school to support that learning and development, to understand the curriculum, the best practices across that continuum and also to address those issues around marketability. We have had some changes in our society since that time; a growing interest around supporting early childhood. We have some dire needs in the field of early childhood around supporting programs for young children, and we really have some dire needs around supporting childcare and improving the quality within our own state in early childhood. The recent early childhood policy study that we had, we know that we have a commitment in our state, a growing commitment to really support the quality in those programs. We have the quality rating system, the QRS Study, pilot study that Senator Howard referenced around looking at tying teacher quality to a system of quality rating in the state of licensing. And I think it's time to look at that and see, is there a new system of credentialing to look at, to tie that to? So we really do have an interest within the department. We're working with Health and Human Services and looking at that, so we have a commitment and would be interested in doing that and talking and working with the Council on Teacher Education to look at that. So, conceptually, we certainly are interested in seeing if it is time to look at the birth to age five endorsement. This endorsement would be for those who have a specific interest in working with infants and toddlers only, or infants and toddlers and three- and four-year-olds. And we know that's very specialized training and working with those very youngest of children. So, with that, I just want to close again with, we want to

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be cooperative in taking a look right now at what the needs are in the field. We think it's a little premature at this time to take this step to know for sure if that's the right thing to do right at this time. And, certainly, we think we can do it through the channels that we have and the systems that we have in place and believe that we can do that without putting it into statute. If you have questions, I'd be happy to answer those.

SENATOR RAIKES: Thank you. Okay, we got a couple of contenders over there. Senator Stuhr and then Gail.

SENATOR STUHR: Yes, I was wondering if you could tell me what are the requirements now for...in the schools if they offer a pre-K program?

MARCIA CORR: They need to have a certificated teacher with an endorsement either in, in one of the two endorsements that I named or one of either of the two early childhood special education or preschool handicapped endorsements. So they need to have one of four early childhood endorsements.

SENATOR STUHR: Okay. So, are schools meeting those requirements?

MARCIA CORR: Yes, although this is fairly new to schools with the Rule 11 applying to all schools. And we just received the first program profiles back from all schools and we're finding as we review their files and they're reporting that they have and we're double checking on those, we're finding we have a few misunderstandings about endorsements (laugh) so.

SENATOR STUHR: So, does all of the people working in those areas need to have those endorsements then?

MARCIA CORR: Right.

SENATOR STUHR: Or is it just a teacher and then assistants that might be assisting with the program?

MARCIA CORR: All teachers need to have that. Teacher aides need to have 12-credit hours in early childhood development or meet some equivalencies that we have outlined for them.

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SENATOR STUHR: All right. Is there a limit to how many students a teacher may have? I mean, I can see different situations here where they won't all be certified.

MARCIA CORR: There can be up to a maximum of 20 children in a classroom and then there must be a teacher and one teacher aide in the classroom. So the teacher aide or another teacher, but a teacher or two adults in the class meeting those qualifications. Um-hum, correct.

SENATOR STUHR: All right, thank you.

MARCIA CORR: Um-hum.

SENATOR RAIKES: Senator Kopplin.

SENATOR KOPPLIN: I think you probably said this, but I don't always hear so good. Can you tell me again, what's the difference between the preschool and the preschool unified endorsements?

MARCIA CORR: The unified endorsement which was a newer endorsement really has more special education and interdisciplinary coursework included in it, and it is designed so that the teacher who's trained in that meets the special education requirements of Rule 51. So a teacher that has that endorsement then can be reimbursed special education funding for serving children with disabilities in that classroom. I didn't explain that.

SENATOR RAIKES: You could do this without a change in statute?

MARCIA CORR: That is correct.

SENATOR RAIKES: Okay. Thank you. Other proponents here.

JAY SEARS: Good afternoon, Senator Raikes. I'm Jay Sears, S-e-a-r-s, and I work for the Nebraska State Education Association. Members of the Education Committee, it's great to be before you. NSEA comes in support of Senator Howard's LB 865. We want to thank her for bringing this to our attention. I serve on a number of the committees on behalf of NSEA that has already been mentioned. So far, the Nebraska Council on Teacher Education which is the advisory

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body to the State Board of Education which deals with endorsements and have been involved in the development of those endorsements. I served on the task force that Marcia Corr has mentioned that brought about the education policy study. I think it is important that we look at specific skills and knowledge that teachers have in the very early childhood education process. Research is showing us more and more about how children learn. It's getting to be more and more specific in the skills that teachers need at the early grades. We realize that there is an early childhood endorsement currently that takes you from birth to third grade. But I liken that to one of the endorsements I hold. I have a social science endorsement. It lets me teach any of the social sciences in the state of Nebraska, but it doesn't give me specific skills in some of the things that I might be assigned to teach. When I was going through teacher ed way back in the early seventies, I had a very wise advisor who was and now is the retired dean of UNL teacher ed, and he said to me, you can't get a job just being a history teacher, Jay. You have to have more endorsements than what you have and a social science endorsement won't do it, and a history endorsement won't do it, and a psych, et cetera. He went down through the list, but he said the more endorsements you add, the more employable you are in the state of Nebraska. And one of those things that I learned was I learned a lot more in my history endorsement about specific history than I learned about social sciences and the three courses I had to take to fill the social science. That's the way NSEA looks at looking at a new endorsement in the early childhood. There is much we need to know about birth to age three or four than there is expanding it through age eight. There's lots of things we need to know and to ask teachers to cover that whole gamut with their endorsement is pretty tough. We understand the realities of school districts and the employability. If I'm a school district superintendent and I'm looking for someone, I want a broad endorsement so I can put them wherever. That makes lots of sense. But also, for the kids who are going to be in our preschool programs, I want somebody that knows specifically what to do with my two-year-old or my three-year-old or my four-year-old, and not just that whole gamut from birth to eighth grade. So, we're happy to support LB 865 and thank Senator Howard for bringing it forward along with her amendment so that ends my testimony.

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SENATOR RAIKES: Thank you, Jay. Questions? I see none.
Thank you. Dr. Edwards, welcome.

CAROLYN EDWARDS: (Exhibit 9) Hello. I'm Carolyn Edwards and I'm Willa Cather professor of psychology and family consumer sciences at the University of Nebraska-Lincoln. And I want to speak on behalf of LB 865. In general, I think that increasing the access to higher ed programs would be useful because there are many providers across the state of Nebraska who are seeking to further their college education and obtaining a teaching endorsement. As others have said, increasing the educational level of the early childhood work force is an important goal for Nebraska because further education and the training are associated with higher quality, higher readiness for kindergarten in the areas of literacy and math and social behavior, and also parent involvement is part of the preparation. The birth to five endorsement would provide a pathway to increase the percentage of teachers holding true professional credentials. Teaching credentials, I believe, signify that a person...signify to themselves and to society they have mastered and agreed upon set of competencies, and they've made a commitment to the profession's ethical standards such as those by the National Association for Education of Young Children, and they're accountable to the public. So they have professional standing that's the same as that of a K-12 teacher. Now, the birth to five endorsement would compliment that unified birth to three endorsement in a valuable way. As we said, the unified prepares the teacher to teach across a whole developmental span from birth to age eight in a variety of settings. It can be early intervention; it can be after school; it can be preschool; it can be kindergarten; it can be first to third grade. It can be working with small children in a public school. We've mentioned the three- and four-year-old programs, but there also are infant toddler programs that serve the babies of teen parents. For example, there are four of these in the Lincoln Public Schools, and the teachers of those little children are required to have an early childhood endorsement. So, this is what the unified prepares and it has a lot of early childhood special ed in it because we have so many children today who have a range of needs. Now, at UNL, we have an interdisciplinary faculty from different departments and we offer this unified, and we're one of the

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four. And we are moving good numbers of students through it. It's been a very popular degree so far, and we've graduated our first students last year. We're getting excellent feedback on this degree from the field. I feel sure that even if we had this birth to age five endorsement, it would not take away from the unified. I think that a young person entering college and oriented toward early childhood would probably pick the unified because it gives them the most career options. Okay? However, there do remain some undergraduates and many post-BA candidates for whom the birth to age five would be extremely appropriate. Those are people who really know they do not have any interest in first to third grade, but there also are many people out in the field who want this upgrading and who want to complete a post-BA, get the teacher endorsement. And for them, let's say you have an undergraduate degree in family consumer sciences. You could come back and do some more work in order to get this birth to five endorsement. And then you could help Head Start. There's some requirements these days for a greater percentage of Head Start teachers to be endorsed teachers, or you could work in all the other settings that we've been talking about. So, those are the people that I see personally that would be very helpfully served. And at the University of Nebraska-Lincoln, it would be quite easy for us to offer this additional endorsement since we have the other one all in place. In fact, it would make it easier for us because we would like very much to serve these post-BA folks or people who really have the strong interest just in the birth to five. We'd really like to be able to serve them more effectively, and we could do that if we didn't have to do that whole developmental span. When you think about how much we're putting into the first to third grade these days, think about, you know, that in itself is a tremendous body of knowledge, all the teaching and learning and classroom management and every other aspect, have to do all that in addition actually adds at least a full year of coursework, and typically more, to the birth to five component.

SENATOR RAIKES: Okay, thank you.

CAROLYN EDWARDS: Okay?

SENATOR RAIKES: Senator Kopplin's got a question.

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SENATOR KOPPLIN: If I were a young person and I graduated and had the unified endorsement, how many more hours would I have to come back to get so I'd get the other endorsement also, do you think?

CAROLYN EDWARDS: If you had the unified, there would be no reason to come back to get the birth to five. You would be totally set. Okay,...

SENATOR KOPPLIN: So...

CAROLYN EDWARDS: ...the unified does include all the birth to five, but it's a big endorsement. We can do it in four years, but it leaves very little room for electives. It has a very large number of required courses in it. The birth to five endorsement might be one that would be a little easier to do and would allow more room for electives, for example. Um-hum.

SENATOR RAIKES: Senator Stuhr.

SENATOR STUHR: Okay, Dr. Edwards, you're talking about the birth to five.

CAROLYN EDWARDS: Um-hum.

SENATOR STUHR: And I think the bill talks about from birth to prekindergarten programs,...

CAROLYN EDWARDS: Um-hum.

SENATOR STUHR: ...which would be birth to four probably.

CAROLYN EDWARDS: Well, they start out at four in that last year and then they turn five in the year prior to kindergarten. So, you really want to say the learning involves children age three to five because quite a few children are still five when they're in that last year of preschool.

SENATOR STUHR: Also, I'm wondering, would there be additional cost for your institution to...

CAROLYN EDWARDS: No.

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SENATOR STUHR: ...do this endorsement.

CAROLYN EDWARDS: There would not be any additional cost, unless our program expands so much that we want to, you know, hire new professors for that reason. Um-hum.

SENATOR STUHR: All right. Okay, thank you for that clarification.

SENATOR RAIKES: Thank you. Other proponents, LB 865?

DAWN HOVE: (Exhibit 10) Good afternoon, Senator Raikes and the Education Committee. I am Dawn Hove and that last name is spelled H-o-v-e. I am the president of the Omaha Association for the Education of Young Children. I am also the director of the University of Nebraska at Omaha Childcare Center. I am also a validator for the National Association for the Education of Young Children. I conduct on-site validation visits to verify the accuracy of the program description across the country. I appear today before you and in support of LB 865 as the president of the Omaha Association for the Education of Young Children. We are an organization about 225 members in the metro area that supports professional development of early childhood educators, and we work toward improving the level of quality in the metro area. I feel this support...I believe that children in the state of Nebraska who are cared for in an early childhood setting should have the benefits of certified early childhood education teachers. As the center director, I know how important it is to have qualified and educated staff in a program. Teachers must have the current knowledge on early childhood practices and be aware of the trends in the early childhood field. There is no better way to learn than to be trained in the proper setting. Working on the university campus, I have the privilege of working with education majors, and I see how important it is for them to have the proper training and background in an early childhood education setting. By having a stand-alone endorsement for the early childhood education, this would give the students who want to enter into the early childhood field a better training and understanding on the early childhood standards and practices. Nebraska needs to focus on teacher preparedness; they need to get there. The National Association for the Education of Young Children has also looked at these standards for the early childhood

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professional preparedness program. I have attached a list of a time line that NAEYC is looking at for teachers in the early childhood setting. It is an essential part to NAEYC comprehensive approach to improving the quality of early childhood education. By raising the standards and improving the practices of teachers and enhancing the approaches of early childhood curriculum, content, and assessments, teachers will be better prepared. In order to do this, teachers must be properly certified. By establishing this endorsement, students will be able to complete the required coursework in early childhood education and be able to complete student teaching under a certified early childhood education teacher within the program within the proper setting. The early childhood field has expanded substantially since the 1990s. We hear about early literacy, brain development, child development knowledge, and developmentally appropriate practices. Teachers will better be prepared in these areas and be certified on how to teach children birth through prekindergarten preschool ages, which is basically birth to age five, because we do have five-year-olds up until they enter into kindergarten so it's basically birth through age five. The teachers will have better knowledge on early childhood methods and practices. And the research shows that quality care and education is based on the level of education of our teachers. And we see that in the programs on a daily basis as being the director of a facility. I urge you to give LB 865 your serious consideration. We need to make every effort possible to provide the children in the state of Nebraska with certified early childhood teachers. Our children will be better prepared for their educational endeavors and will have the benefits of high quality care and education at an early start. I'd be happy to answer any questions.

SENATOR RAIKES: Okay, thank you. Questions? Senator Stuhr.

SENATOR STUHR: I appreciate your testimony, but what do we do in rural areas when you cannot even find day care period?

DAWN HOVE: It's hard. Childcare is hard and it's come to the forefront where education...I have parents that bring me lists of questions and they look for accredited centers. They look, they ask, the number one question is, are your staff qualified? What kind of background do your staff

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have? Are they degreed staff? They ask those questions.

SENATOR STUHR: I'm sure they do when they have choices.

DAWN HOVE: Right.

SENATOR STUHR: When they have, you know, lots of choices which would be wonderful but, you know, I also know there are situations, you know, where. What do you think about...just the idea of having more parenting classes in our secondary schools where the parents have some education?

DAWN HOVE: I agree that parents need education as well and that's one of our components in our program is we do provide education for our parents as well as an enhancement. But they also look at what their education is for their children starting at birth through age five. They look at that because it's becoming to the forefront. It's a steppingstone for them to go through school from kindergarten through even college.

SENATOR STUHR: And I do agree, it is much more of a concern today because we have many more mothers working. Our state is one of the highest states with percentages, I believe, of mothers working outside of the home so, you know, it's a difficult situation (laugh).

DAWN HOVE: Yes, it is.

SENATOR STUHR: Thank you.

SENATOR RAIKES: See any other questions? Thanks very much for being here.

DAWN HOVE: Thank you for your time.

SENATOR RAIKES: Other proponents, LB 865? Are there opponents? Neutral testimony? Yes, sir. Welcome.

JOHN LANGAN: Senator Raikes, members of the committee, Senator Brown (phonetic), thank you for this time. I'm John Langan, dean of college education at the University of Nebraska at Omaha. And I like your categories because neutral seems appropriate in the sense of what I'm going to say. But I'm certainly not neutral on this topic. I

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believe Senator Howard's efforts towards early childhood are to be commended, and she and I have visited about this topic. We are certainly in favor of strengthening the background and preparation of early childhood providers in the state of Nebraska, but we have several concerns. So let me read just a minute from a script, and that is that in a perfect world we believe that anyone responsible for care and nurturing of children at this age would be required to have the knowledge and skills necessary for the vital growth and development of these individuals. And certainly Senator Stuhr makes the point and that is, we ought to be focusing on parents and early childhood providers both preschool and day care as well. And I'm going to give you some suggestions to do that in addition to making some comments on the bill itself. And here are what we believe are the concerns or issues of the legislation proposed. And first, and you've heard this from most of the proponents of the bill, and that is that we have a system in this state. And I say, hats off to the system coming from another state, to the Nebraska Department of Education, Nebraska Council, to establish endorsements and take them through rule as opposed to legislation. So, again, we're not opposed to the notion of this endorsement. We have some concerns about it being in legislation. And let me give you one specific example of a concern for legislation. We're not opposed to legislators, but the notion of putting things in legislation requires then particular movements, et cetera, to do revisions which the Nebraska Council is responsible for through the State Board of Education in terms of looking at endorsements every specific time and reviewing them, making changes, making additions which come up to the change of practice or the current knowledge in that particular field so we think that's just a good way to do this. I'd like to talk for a minute about the consumers of this endorsement. And I might say in a word that Nebraska, Omaha, makes specific informed decisions about what what we do and don't do in the area of early childhood, and so I'll speak to it, but I'll also talk to you in regard to some of the comments that were made earlier by individuals in favor of it. And that is, that the setting in early childhood, in the case of UNO, when they get an early childhood endorsement, they are prepared to work with youngsters birth through grade three. We made that informed decision based on variables that I'd like to talk to you about. And that is, first of all, and Jay Sears from Nebraska State Education talked about it, we

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say to ourselves, when we send our students out into the world of work, what are they prepared and licensed to do and what are the opportunities within, in this case, the state of Nebraska, for them to do that with? And we would argue two things. One, that the endorsement birth through three is supportive of the NAEYC in the sense that NAEYC does not propose to focus on specific age groups. In fact, their regulations and guidelines talk about concentration in three groups of three stages: infant-toddler, preprimary, and primary, all of which were encapsulated in the birth through grade three endorsement. But, secondly, let's talk about the licensure and who's asking for the licensure at this time and place in the state of Nebraska. And that is, at this time and place, we were not opposed to that endorsement being available to the 17 teacher training institutions, we wouldn't offer it. Why? For these reasons. One, currently, the individuals who come to our campus to get the birth through three endorsement are eligible to work in the elementary grades as well as the early childhood settings in the public schools and that licensure is required by those attached to the early childhood programs in the public schools. The preschool day-care providers outside of that are regulated by Health and Human Services and they're site-licensed. They do not license the provider so there's no regulations. And I would argue even more strongly that the rub there in providing this license and suggesting that tomorrow we're going to get multitudes and throngs coming in for that license, not when they're making minimum wage or, at best, \$10 an hour to work in an early childhood preschool setting. Several of them are wonderful settings and have great licensed people because they choose to do so. But the masses in terms of supply and demand, I would argue with you there are more birth through grade three licensed individuals in the state of Nebraska than there are positions in locations that require that license. And I guess, in conclusion, what I would say is I would urge you to look at the current support from the state department in terms of early childhood that UNK has in terms of asking higher education, the four-year institutions, to work with the two-year institutions in a two plus two program. And I would, you know, and this is heresy and in terms of requirements I'd require all preschools and early childhood settings to have a two-year license from a community college, focusing on any grade level they want or any area to work in that area and let those individuals be able to

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move, if they choose, to move out of the preschool day care into a setting that requires a Nebraska teaching certificate. And so as not to have Joe Higgins fall off his seat back there, the regulation of that could be easy because it could tie the Nebraska Department of Education certification and rule requirement, having the community college work with a four-year college with that licensure or with that two-year certificate. Thank you, and I'd be glad to answer any questions.

SENATOR RAIKES: Okay, all right, thank you, John. Senator Kopplin.

SENATOR KOPPLIN: I think I got this, but any preschool program attached to a public school is going to require a certificated person.

JOHN LANGAN: Absolutely.

SENATOR KOPPLIN: But that person with the endorsement that didn't work for the public school may not have to have a certificate to work with (inaudible).

JOHN LANGAN: They wouldn't need anything at all.

SENATOR KOPPLIN: They wouldn't need anything.

SENATOR RAIKES: I heard you say that not only would it not be necessary to put this sort of a change in statute, but it might be better not to.

JOHN LANGAN: I would think it would be better not to, yes. And only because there's a logistic in this state that allows endorsements to be put into rule and regulated by, in this case, an elected board, the State Board of Education, through the Nebraska council which is advisory to the state board and the Nebraska council is made up of all of the service providers in terms of P-16 education, higher ed community colleges, K-12, and private and parochial, so they're all there at the table.

SENATOR RAIKES: Okay. Thanks very much, John.

JOHN LANGAN: Thank you very much.

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SENATOR RAIKES: Other neutral testimony, LB 865? Senator Howard to close.

SENATOR HOWARD: Thank you and I would like to thank all the people that have taken their time to come in on this issue today to testify. As you know, Senators, I've made it my agenda to look at issues concerning prevention and early intervention. And this issue certainly falls into that arena. The more that we focus our efforts onto early education years and give qualified people the opportunity to devote themselves to these years, the better we'll prepare students to come in and be able to learn in our public school and our private school settings. One element that I don't think has been addressed here that I'd like to bring up and it certainly falls into the realm of early certification for the birth to five-year-old children would be the importance of the relationship piece in the individuals that teach these children, and the fact that they would have consistency. Individuals that come forth and want to have this early certification really do make that commitment to work with these young children, and I would certainly expect that that would encourage them to remain in that area rather than to move on to, say, the third grade, which is an element removed from early education. So I would urge you to look at this issue, and I appreciate all the conversation that we've had about this. Thank you.

SENATOR RAIKES: Thank you, Senator Howard. Questions? I see none. Thank you, Senator and that will close the hearing on LB 865. And we will move to Senator Byars and LB 993.

LB 993

SENATOR BYARS: Thank you, Senator Raikes and members of the Education Committee. I am Senator Dennis Byars, B-y-a-r-s, from the 30th Legislative District. As you know, that is the "Caring and Sharing District" (laughter). I'm here to introduce today LB 993, which was brought to me by the Nebraska Department of Education. I will defer technical answers to their representatives or representatives of the state board. But, basically, to simplify, LB 993 provides that kindergarten programs in the state of Nebraska meet

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standards adopted by the State Board of Education. It amends statutes to provide the school districts that offer elementary grades shall offer a kindergarten program that meets accreditation standards established pursuant to statute, and that through the 2008 and 2009 school year that a school district shall offer a kindergarten program of at least 400 clock hours; repeals Section 79-212 and the current language of 400 clock hours was added to this statute with the limitation that the hours of instruction could change after the 2008-2009 school year without further action by the Legislature. What does it do? It gives the State Board of Education the authority to determine the amount of instruction time required for a kindergarten program in public school districts after the 2008-2009 school year. That takes us out three years. Any change in instruction time would be subject to a hearing, have to be approved by the State Board of Education and the governor before it would be required. Obviously, there could be a substantial fiscal impact for public school districts sometime after that 2008-2009 school year if the State Board of Education determined and the governor approved that there was a need for change in the time of instruction required for kindergarten programs. Obviously, the advantage as we heard in the legislation introduced by Senator Howard, what the state board is looking as those schools that have voluntarily moved to a full-time kindergarten program, we see better prepared kids, more advanced children, and that, basically, is the bottom line and the Department of Ed and the State Board of Education would like statutorily to have that authority. And with that, I would rest my case (laughter).

SENATOR RAIKES: Thank you, Senator Byars. Questions for Senator Byars? We have one from Senator Kopplin.

SENATOR KOPPLIN: I certainly am a proponent of all day every day kindergarten. I was trying to figure this out earlier and you say that after '08-09, there's no legislative action needed anymore, that the state board can simply change it at that point.

SENATOR BYARS: That is correct, with the approval of the governor...

SENATOR KOPPLIN: Okay, I couldn't...

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SENATOR BYARS: ...and after a public hearing.

SENATOR KOPPLIN: Right, I just couldn't follow it in here. I wanted to make sure that is correct.

SENATOR BYARS: Correct. They're asking for that authority.

SENATOR KOPPLIN: Okay.

SENATOR RAIKES: Senator Byars, I think you've laid this out fairly clearly. What is the limit of appropriate delegation by the Legislature to the state board? You pointed out that there could be significant financial impact. It would be up to the Legislature to come up with whatever money was needed as a result of this. Is it appropriate for the Legislature to say, we'll just turn that over to the state board, or if the Legislature wants to do this, should the Legislature keep it right here and do it here?

SENATOR BYARS: Well, I think that's a matter of public policy, Senator, that we face every day in this body. Is this a decision that we want to keep within the legislative body? Do we want to abdicate our responsibility to professional educators, people that we have elected also in the state to make that decision? These are representatives on the State Board of Education that hold themselves out to the voters and the parents of these children just like we do, out to the taxpayers of the state. And it's a matter of public policy. Do we or don't we? And I think that's conversation that we as a Legislature should have.

SENATOR RAIKES: Okay. Senator Stuhr, Senator Bourne playing cat and mouse there. Okay.

SENATOR BOURNE: I'm struggling as to...

SENATOR BYARS: Please don't struggle, Senator.

SENATOR BOURNE: Well, it's a constant, Senator Byars. Is the...okay, we appropriate the money obviously for K-12. And yet we're delegating the authority to the State Board of Education to mandate all day kindergarten based on the Attorney General opinion that says that they don't have the authority to do that now. And I guess I'm...can you think

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of another mandate of this magnitude that we have handed off basically to the Department of Ed? I mean, on one hand, they are the experts and it makes sense. On the other hand, it seems like we're abdicating an obligation of ours to state what the policy is as a Legislature. And I'm struggling as to why we're going this route. And I'm not taking anything away from the Department of Ed. They're certainly the experts in this area, but you see where I'm coming from. It seems like...

SENATOR BYARS: Certainly. And I think we don't want to forget that we aren't providing all of the money for the education of these kids. We're in a partnership with our K-12 school districts. And we, obviously, moved through a number of years ago on LB 1059, the school finance and the state aid formula, that we felt an obligation through the resources that we had as a Legislature to participate to a greater extent in the education of these children. I think it's a situation of us making a decision as to whether we who deal with 700 or 800 different issues in a legislative session, versus an elected State Board of Education, who deals with these issues in every meeting that they have and they deal in finite detail with the education process on whether this is a good thing for these children. Now, obviously, we still can have the ultimate control in what we put into the state aid formula and we don't have to have additional dollars to do that formula. We could push this all on the local school district. I would think that there would be some administrators and some state board people that would have something to say about that. Now as we've seen, most educators, most K-12 school districts in the state, are moving in this direction now. But if you spread it out over all of the schools, you're looking at big money, not all ours, not all the local school districts. And do we make that public policy and will we make it too political or do we put it with the state board? Obviously, with the concurrence of the governor that they're putting in statute so you do have (inaudible) executive branch.

SENATOR BOURNE: But that's just under the regular administrative procedure. I mean, that's nothing unique. They're going to make a rule and it's just going to follow the procedure, so really that's kind of a, you know, I'm struggling with the disconnect, though. I mean, I've heard numbers...15, 20, 30 million dollars to adopt this. And so

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what we've done is we've handed it off to the Department of Ed and, again, those members here, don't think I'm criticizing because I'm not. I am questioning why you would want this authority as I think about it. But yet we say to them, okay, we're delegating this to you. There's no mechanism as I read in the bill to provide funding, so I'm just kind of struggling with the disconnect. And I'm trying to think of a situation we've done in the last seven years that's analogous to this and I can't think of one.

SENATOR BYARS: I can't either, Senator, I really can't. And it is a matter of public policy as to whether we should have the conversation. Do we want to give that authority or don't we? And we should have that conversation.

SENATOR RAIKES: Thank you, Senator. We'll move to...let me take a quick...how many do we have to testify as proponents? Okay. Opponents? Neutral? Oh, okay. Fred, welcome.

FRED MEYER: Well, thank you. My name is Fred Meyer, and I represent District 6 on the State Board of Education which is the second most caring district (laughter) of all, or something like that. And I guess I'll go through my prepared remarks and then if I can answer some of the questions that you might have as well. Good afternoon, Senator Raikes and Senator Byars and members of the Education Committee. For the record, I am Fred Meyer, M-e-y-e-r, president of the State Board of Education and I am speaking on behalf of the State Board of Education in support of LB 993. I want to thank Senator Byars for introducing this bill that, as you know, would allow the State Board of Education to establish the hours of kindergarten instruction that school districts would be required to offer after '08-09. Currently and until '08-09, school districts must offer 400 hours of kindergarten. All day kindergarten is a critical component of our essential education policy, and that is our priority because it is the school's road map to guaranteeing that all of our students whether they attend the state's smallest school or the largest one, have an opportunity to the education they need to be successful in the 21st century. Essential education is about equity, and all day kindergarten is about equity. Where are we today? Of the districts that have children of kindergarten age, 74 percent now offer all day kindergarten to 19,576 students. That means that 5,636 students do not

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now have an opportunity to benefit from all day kindergarten--benefits that are well documented in research. Where do we need to be? As I noted earlier, the State Board of Education's goal is to provide equitable opportunities for learning to all children. Nebraska should provide these opportunities to students wherever they live. All day kindergarten is critical to assuring that all students have the early foundation that research shows is key to their long-term success in school. Research shows that all day kindergarten leads to higher academic achievement for all students and all day kindergarten reduces the number of students in high cost special education programs. Children with special needs also benefit. All day kindergarten reduces the grade retention and the need for remedial courses in the lower elementary grades as well and continuing through the 12th grade. Children in all day programs grow both socially and emotionally, allowing them to transition successfully to the school routine. Language and literacy development improves which is key to ongoing academic success. Student attendance also improves. The Early Childhood Education Policy Study showed that superintendents and other educators across the state supported all day kindergarten and recognize its value for students. Our work over the past four years with educators and the public also shows strong, if not overwhelming, support for the components of the essential education policy we have developed in concert with them. While some have expressed concerns about this important first step which would be, in some cases, funding and other provisions, few, if anyone, have questioned the need and the benefits. The commitment of Nebraska educators to all day kindergarten is clear. They have made huge strides in implementing it on their own districts even as we speak today. Ten years ago, 2.7 percent or 18, only 18 of our school districts had all day kindergarten. Today, 59 percent, or 298, have made that commitment in recognition of its importance. And we would urge you to help us assure that all students have this opportunity in future years. So with that, I will be glad to answer any questions that you might have. And continuing with Senator Bourne's conversation earlier, this would become part of Rule 10 and the hours would probably be synonymous with what is required of first through twelfth grade, only it would start in kindergarten rather than first grade. So that authority is in Rule 10, which is the operating rules of school districts.

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SENATOR BOURNE: Thank you for your testimony and, please, don't misunderstand me a second...

FRED MEYER: No.

SENATOR BOURNE: ...I'm not criticizing the Department of Education or any of the members. I think you do great work. I'm just struggling with the policy issues and can you think of another mandate, for lack of a better word, that would have such an impact on the districts that we currently have delegated to you?

FRED MEYER: Well, I've been on the state board, this is my eighth year and, you know, I could say all of Rule 10 is a mandate.

SENATOR BOURNE: I'll give you that, but here we are...

FRED MEYER: But that is, you know, all of those things are critically important to schools in Nebraska. And as the demographics of Nebraska have shifted, our needs have shifted dramatically as well. Five years ago, we would probably not had this conversation. We would not have the conversation about early childhood endorsements. But as we have moved through what we have in Nebraska with the changing color and the changing poverty rates in Nebraska, this problem has come to us. It's not one that we went looking for. And I think it doesn't take long to talk to an administrator or a teacher in a school that has gone to all day kindergarten to readily tell you the benefits. And we have a number of anecdotal evidence; I think Marcia can share those with you, of from 10 to 20 percent decrease in the amount of special ed referrals by the end of, you know, first, second, or third grade in the schools that have had all day kindergarten for a number of years that it would show.

SENATOR BOURNE: Yeah, I don't doubt for a second the policy is the better one to have it. It's just a matter of, you know, I'm not sure that the Legislature should take this on itself and mandate it.

FRED MEYER: Well, that would be up to you. Again, some of the same arguments can be made for allowing the State Board

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of the Department of Education to handle the number of hours required as was made on the earlier bill as far as who should license teachers. Some of the same points. We did a fiscal study, which was completed here about 60 days ago, and there were some costs involved with doing this. But the vast majority of the capital construction costs that were returned from school districts were in the Lincoln Public Schools system. And this was before the announcement of where their needs were going to be addressed in their bond issue so...

SENATOR BOURNE: And do the Lincoln Public Schools have all day kindergarten?

FRED MEYER: Not all of them, no. I know some do; some don't. Same way in Grand Island.

SENATOR BOURNE: And so what did your studies show in terms of costs for the instruction?

FRED MEYER: Marcia, do you have that?

SENATOR BOURNE: Oh, it's okay. We'll get it.

FRED MEYER: Well, it was...I would hate to say, but it was several million dollars. But from what we understand, they have told us that those needs would be addressed in their bond issue should it pass on February 14, and then those figures would then be removed from the needs that would be required in the capital construction costs.

SENATOR BOURNE: I'm from Omaha, and what I understand is they don't have the capacity to do all day kindergarten.

FRED MEYER: Yeah.

SENATOR BOURNE: So your numbers would reflect the instruction, but not the construction...

FRED MEYER: Right, right.

SENATOR BOURNE: ...and that's what I'm concerned about.

FRED MEYER: Yeah, well, but those questions were asked of them and they kind of indicated that the construction part

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somehow over the next three to four years they would try and find a way to do that. And that's why we've put this out there a number of years, you know. And we have said as a state board policy that should we get to the '09-10 school year and there would still be real problem areas with capital construction costs, we would delay it. Yeah, we will do whatever districts need in order to implement it, but I think the significant thing is the number of districts that have moved toward it on their own. And that would endorse the policy that it is the right thing to do for the state of Nebraska and, you know, it's the right thing for us to continue to work toward that. We will be glad to work with districts. If the Legislature would see fit to fund those capital construction costs, hey, that would be all the better, wouldn't it, Senator Raikes?

SENATOR BOURNE: Thank you.

SENATOR RAIKES: Hmm, I'll have to stew on that one. Senator Howard.

SENATOR HOWARD: Well, I have to endorse what Senator Bourne said because I brought in an all day kindergarten bill last year, and I remember that was the very roadblock that we had is that there weren't the facilities or the locations for students especially in Omaha to go in. So, it's hard to say that, you know, while I support this, I wonder how that will be addressed in reality.

FRED MEYER: Well, you know, again, it's the...the state board has been very sensitive to items of cost, especially of this magnitude. And we will continue to work with them towards whatever deadline they would see that would be reasonable to them. But if we don't continue to talk about it and don't continue to somewhat push the envelope, we will continue to have those pockets of children who don't have that opportunity. So, I guess the state board is continuing to push forward the policy that this is the right thing for the kids of Nebraska, and however long it takes, we're patient. But as long as we keep working towards that policy.

SENATOR RAIKES: Senator Stuhr.

SENATOR STUHR: Oh, I just had a question about this

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400 clock hours. How do you estimate that? Is that considered fulltime? Or is that halftime?

FRED MEYER: That's considered halftime. Yeah. And I think...

SENATOR STUHR: Actually be what, a hundred days or are they...is kindergarten three hours a day or?

FRED MEYER: Well, three to four hours a day. That would be a half-time program. Is that right, Marcia?

MARCIA CORR: (inaudible) 1,032 (inaudible) (off mic.).

FRED MEYER: 1,032 hours is what we would probably propose for the '09-10 which would be the same as first grade. Yes.

SENATOR KOPPLIN: The costs associated with this, however, would not be one big blast because of the number of schools that come on each year is going to happen over these three years anyway. You may get down to the end, and you said, well, if they can't make it we would work with them. Wouldn't it be better to say, we're not going to work with you? This is the day?

FRED MEYER: I'll let that up to you, but (laughter) being a political officeholder that the state board is, you know, we have to be sensitive to that as well. But, you know, it's just unconscionable that as a policy, we allow three-quarters of the kids to have the opportunity, the other fourth not. And it just behooves us to continue to work towards that, whatever cost is incurred. We will partner with whoever we need to to accomplish that.

SENATOR RAIKES: Thanks, Fred.

FRED MEYER: You're welcome.

SENATOR RAIKES: Other proponents, LB 993?

JOHN BONAIUTO: (Exhibit 11) Senator Raikes, members of the committee, John Bonaiuto, executive director of Nebraska Association of School Boards. B-o-n-a-i-u-t-o. Maybe there's not enough categories for me to...a proponent, neutral. I'm definitely not opposed to this bill. And we

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have been before the state board on numerous occasions and talked about the fact that our members realize all day kindergarten is important. But we also realize that there are some obstacles as far as facilities and costs involved. And we've always said, we would hope that if the state board moves forward with something like this, that would be recognized and so the discussion we've had with the state board is be sensitive to that and don't just charge into something where there's some districts that are struggling with some serious needs. I appreciate the policy discussion because when I'm not here pestering you, I'm over at the state board pestering the state board. And so we've had these discussions, and so if you delegate the authority to them, I will just have to pester them all that much more. And if you maintain the authority, I'll be here. But anticipating some of your questions, and now I can't pawn this work off as my own...not really. I do have the feasibility study that the state board had asked the department to do, and this has the figures in it. And these are important numbers. And I think that Lincoln and Omaha do contribute to the majority of the cost due to facilities. If, on February 14, the Lincoln bond issue is approved, and I surely hope it is, I think that will address the majority of Lincoln's problem. I don't know what the answer is for Omaha. But I do know that if things work out and Lincoln then is able to have all day kindergarten, the equity issue is going to become a lot more glaring, and as far as how many students are exposed to this. The facility, there's a table here that deals with facility costs and remodeling and you're looking at somewhere just over \$14 million. That's, you know, an estimate of what the cost could be and how that would be addressed and, again, Lincoln is a big part of that and Omaha is the other big part. The other piece are the staff costs and the ongoing staff costs, which amount to just under \$8 million that are surely a concern. But those are the issues that we've talked to the state board about, and I think this is a policy discussion should this authority remain with the Legislature and with this body, or should it go to another, a constitutional board that is elected? The Attorney General and the governor are checks and balances in their rule-making authority. And there have been times when we've had to go to the governor and the Attorney General, and say, you know we're really worried about this. We've talked to the state board and now, you know, we've voiced our same concerns so that someone else is

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looking at some of these issues. With that, I would conclude my testimony and appreciate you looking at this and considering it.

SENATOR RAIKES: Thank you, John. Questions? I see none. Thank you.

JOHN BONAIUTO: Thank you.

SENATOR RAIKES: We have another proponent here.

JAY SEARS: For the record, I'm Jay Sears, S-e-a-r-s, and I'm representing the Nebraska State Education Association. And I would urge you to have that policy discussion and put LB 993 out on the floor. I, too, like John spend most of my time working with the State Board of Education and the Nebraska Department of Education. I know it's an important discussion for you to have in the Legislature about your authority and also about the constitutional authority of the State Board of Education and where policy resides. I would ask you to also think about your discussion about policy questions is also very important to the kids that are going to or not going to be able to be in all day kindergarten programs, so I urge you to have that discussion, fund all day kindergarten for what we need out here in the state of Nebraska. And I'll put in another little plug also for that early childhood education funding also. So that concludes my testimony. I hope you enjoy having the policy discussion, and I'll be lobbying both sides so.

SENATOR RAIKES: Okay. Questions for Jay? Thank you, Jay. Any other proponents? Opponents? Neutral? Senator Byars.

SENATOR BYARS: Thank you, Chairman Raikes and members of the Education Committee for hearing this conversation. February 14 is not very far away, and I think we'll have some answers here in just a few weeks. But let's in our deliberation as every one of us has requested to sit on this committee, our main objective is to provide an appropriate education for every child in this state--every child. And I do think that gives us the authority to make policy decisions, to give, to abdicate our policy decisions, and I would ask you to do that. I think this will make an excellent committee priority bill, Senator Raikes. Thank you very much.

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SENATOR RAIKES: Questions for Senator Byars before he gets away? He's gotten away. That will close the hearing on LB 993 and close the hearings for today. Thank you for being here.